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10/058,173	01/25/2002	Steven M. Stefanik	PALM-3779	5622

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BERRY & ASSOCIATES P.C.
9255 SUNSET BOULEVARD
SUITE 810
LOS ANGELES, CA 90069

EXAMINER
ZHEN, LI B

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 September 2008*.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *46-61 and 70-78* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *46-61 and 70-78* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 46-61 and 70-78 are pending in the application.

Response to Arguments

2.   Applicant's arguments with respect to the claims have been considered but are

moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

5.   **Claims 46-61 and 70-78 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over U.S. Patent Application Publication No. 2002/0065732 to

Rodgers et al. [hereinafter Rodgers, previously cited] in view of U.S. Patent No.

6,832,242 to Keskar et al. [hereinafter Keskar].

6.   As to claim 46, Rodgers teaches a method of distributing software [content

management application is also adapted to transmit a copy of itself to the PDA of

consumer B upon instruction from consumer A; p. 3, paragraph 0028] between portable

computer systems [content may legitimately be passed directly from one consumer to

another; p. 3, paragraph 0028], the method comprising:

        demarking files [instructs the content management program running in PDA 90,

via a graphical user interface on the screen 90S of the PDA to beam a copy] on a first

portable computer system by a first [consumer "A"] user [transmit a copy of a piece of

content to another consumer using a PDA, consumer "A" instructs the content

management program running in PDA 90, via a graphical user interface on the screen

90S of the PDA to beam a copy of a specified piece of content; p. 3, paragraph 0028],

the demarking indicating that the demarked files [metadata 202 and the hash 204 for

the content, and bundles both into a message 200; p. 3, paragraph 0028] are available

for downloading by a second portable computer system by a second [consumer B] user

[consumer B is now able to consume the content transmitted from consumer A; p. 3,

paragraph 0029];

        automatically [p. 3, paragraph 0027] transferring the demarked files, from the first

portable computer system to the second portable computer system [metadata 202 and

the hash 204 for the content, and bundles both into a message 200 which is then

transmitted via the wireless port 110 to the PDA 190 of a consumer B; p. 3, paragraph

0028] when the first portable computer system and the second portable computer

system are within a communication range according to a communication protocol

[Bluetooth or infrared wireless output; p. 3, paragraphs 0026 and 0027].

Although Rodgers teaches transferring metadata about the content between two

portable computers [p. 3, paragraph 0028], Rodgers does not specifically teach the

metadata including summary information with respect to the demarked files, the

summary information consisting of descriptive information associated with the demarked

files, the descriptive information being devoid of the demarked files.

However, Keskar teaches sharing items between handheld devices [col. 3, line

63 – col. 4, line 17], the sharable items including game applications, system applications

and utility applications [col. 1, lines 30 – 43], demarking files on a first portable computer

system by a first user [block P710, the sender, or the person wishing to share a relevant

item(s), uses the HSA UI to initiate the sending of the relevant item(s); col. 13, lines 20

– 55], the demarking indicating that the demarked files are available for downloading by

a second portable computer system by a second user [block P720, the sender's HSA

beams the intent to share the relevant item along with the sender's user identification

information; col. 13, lines 20 – 55], automatically transferring the summary information,

from the first portable computer system to the second portable computer system [block

P720, Fig. 7; col. 13, lines 20 – 55] the summary information consisting of descriptive

information associated with the demarked files, the descriptive information being devoid

of the demarked files [sharable note may, for example, include information pertaining to the descriptions and locations of the sharable item; col. 13, line 55 – col. 14, line 13].

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Rodgers to include the features of Keskar. One of ordinary skill in the art would have been motivated to make the combination because this gives the recipient an opportunity to determine whether they want to accept the sharable item prior to the transferring of the shareable item. This reduces the amount of data transferred if the recipient refuses the sharable item.

7.   As to claim 55, Rodgers as modified teaches a portable computer system [content management application is also adapted to transmit a copy of itself to the PDA of consumer B upon instruction from consumer A; p. 3, paragraph 0028 of Rodgers] comprising:

a bus [col. 2, lines 57 – 67 of Keskar];

a processor coupled to the bus [col. 2, lines 57 – 67 of Keskar];

a wireless transceiver coupled to the bus for transferring information to other computer systems [PDA also has a wireless output 110, typically either Bluetooth or infra red, which enables messages to be beamed over short distances to other PDAs; p. 3, paragraph 0026 of Rodgers]; and

a memory coupled to the bus [PDA 90 when it is to be stored in memory that does not already contain a copy of the content; p. 3, paragraph 0027 of Rodgers], wherein:

the portable computer system [PDA 90; p. 3, paragraph 0028 of Rodgers] is

configured to:

store demarked files, the demarked files [instructs the content management

program running in PDA 90, via a graphical user interface on the screen 90S of the PDA

to beam a copy of Rodgers] being demarked by a first [consumer "A" of Rodgers] user

[transmit a copy of a piece of content to another consumer using a PDA, consumer "A"

instructs the content management program running in PDA 90, via a graphical user

interface on the screen 90S of the PDA to beam a copy of a specified piece of content;

p. 3, paragraph 0028 of Rodgers] and being available for downloading to a second

portable computer system by a second user [consumer B is now able to consume the

content transmitted from consumer A; p. 3, paragraph 0029 of Rodgers and col. 13,

lines 20 – 55 of Keskar], and

automatically transfer [p. 3, paragraph 0027 of Rodgers], to the second portable

computer system, summary information with respect to the demarked files [col. 13, line

55 – col. 14, line 13 of Keskar] when the second portable computer system is within a

communication range [metadata 202 and the hash 204 for the content, and bundles

both into a message 200 which is then transmitted via the wireless port 110 to the PDA

190 of a consumer B; p. 3, paragraph 0028 of Rodgers] of the portable computer

system according to a communication protocol [Bluetooth or infrared wireless output; p.

3, paragraphs 0026 – 0028 of Rodgers and col. 12, lines 6 – 25 of Keskar], said

summary information consisting of descriptive information associated with said

demarked files the descriptive information being devoid of the demarked files [col. 13,

line 55 – col. 14, line 13 of Keskar].

8.   As to claim 70, Rodgers as modified teaches a portable computer system

[content management application is also adapted to transmit a copy of itself to the PDA

of consumer B upon instruction from consumer A; p. 3, paragraph 0028 of Rodgers]

comprising:

        means for storing demarked files, the demarked files [instructs the content

management program running in PDA 90, via a graphical user interface on the screen

90S of the PDA to beam a copy of Rodgers] being demarked by a first [consumer "A" of

Rodgers] user [transmit a copy of a piece of content to another consumer using a PDA,

consumer "A" instructs the content management program running in PDA 90, via a

graphical user interface on the screen 90S of the PDA to beam a copy of a specified

piece of content; p. 3, paragraph 0028 of Rodgers] and being available for downloading

[col. 13, lines 20 – 55 of Keskar] to a second portable computer system by a second

user [consumer B is now able to consume the content transmitted from consumer A; p.

3, paragraph 0029 of Rodgers], and means for automatically transferring [p. 3,

paragraph 0027 of Rodgers], to the second portable computer system, summary

information with respect to the demarked files [col. 13, line 55 – col. 14, line 13 of

Keskar] when the second portable computer system is within a communication range of

the portable computer system according to a communication protocol [p. 3, paragraphs

0026 – 0028 of Rodgers and col. 12, lines 6 – 25 of Keskar], said summary information

consisting of descriptive information associated with said demarked files, the descriptive

information being devoid of the demarked files [col. 13, line 55 – col. 14, line 13 of

Keskar].

9.   As to claim 77, Rodgers as modified teaches a method of distributing software

between computer systems [p. 3, paragraph 0028 of Rodgers], the method comprising:

        demarking files [instructs the content management program running in PDA 90,

via a graphical user interface on the screen 90S of the PDA to beam a copy of Rodgers]

on a first computer system [consumer "A" of Rodgers] by a first user [transmit a copy of

a piece of content to another consumer using a PDA, consumer "A" instructs the

content management program running in PDA 90, via a graphical user interface on the

screen 90S of the PDA to beam a copy of a specified piece of content; p. 3, paragraph

0028 of Rodgers], the demarking indicating that the demarked files are available for

downloading [col. 13, lines 20 – 55 of Keskar] from the first computer system [p. 3,

paragraph 0029 of Rodgers]; and

        automatically transferring [p. 3, paragraph 0027 of Rodgers], from the first

computer system to the second portable computer system, descriptive information

associated with the demarked files, the descriptive information being devoid of the

demarked files [col. 13, line 55 – col. 14, line 13 of Keskar] when the first computer

system enters into communication with the second computer system [p. 3, paragraphs

0026 – 0028 of Rodgers and col. 12, lines 6 – 25 of Keskar].

10.   As to claim 47, Rodgers as modified teaches the communication protocol is a

wireless communication protocol [col. 12, lines 5 – 25 of Keskar].

11.   As to claim 48, Rodgers as modified teaches the wireless communication

protocol includes infrared light signaling [PDA also has a wireless output 110, typically

either Bluetooth or infra red, which enables messages to be beamed over short

distances to other PDAs; p. 3, paragraph 0026 of Rodgers and col. 12, lines 5 – 25 of

Keskar].

12.   As to claim 49, Rodgers as modified teaches communications between the first

portable computer system and the second portable computer system are direct [col. 12,

lines 5 – 42 of Keskar].

13.   As to claim 50, Rodgers as modified teaches displaying at least a portion of the

transferred summary information at the second portable computer system [recipient is

prompted for guidance; col. 13, lines 50 – 55 of Keskar]; and selecting, via a user

interface [user interface 220; col. 4, lines 57 – 67 of Keskar], at least a subset of the

demarked tiles from the displayed portion of the transferred summary information at the

second portable computer system [allowing the recipient to have the option to manually

reject the item or accept the item; col. 13, lines 50 – 55 of Keskar].

14.   As to claim 51, Rodgers as modified teaches the selecting via the user interface
further comprises touching an area of a display screen of the second portable computer
system [user interface 220; col. 4, lines 57 – 67 of Keskar].

15.   As to claim 52, Rodgers as modified teaches receiving, at the second portable
computer system, a download of the selected ones of the demarked files from the first
portable computer system in response to the selecting via the user interface at the
second portable computer system [p. 3, paragraph 0028 of Rodgers and col. 13, lines
50 – 55 of Keskar].

16.   As to claim 53, Rodgers as modified teaches at least some of the selected ones
of the demarked files are executable files to be executed at the second portable
computer system [content management application is also adapted to transmit a copy of
itself to the PDA of consumer B upon instruction from consumer A; p. 3, paragraph 0028
of Rodgers and col. 1, lines 30 – 43 of Keskar].

17.   As to claim 54, Rodgers as modified teaches the executable files include one or
more application files that have limited functionality or limited time of use [indicative of a
time-limited licence, or licences that prevent sharing with peers may be provided, p. 2,
paragraph 0022 of Rodgers].

18.   As to claim 56, Rodgers as modified teaches the communication protocol is a
wireless communication protocol [col. 12, lines 5 – 25 of Keskar].

19.   As to claim 57, Rodgers as modified teaches the wireless communication
protocol includes infrared light signaling [p. 3, paragraph 0026 of Rodgers and col. 12,
lines 5 – 25 of Keskar].

20.   As to claim 58, Rodgers as modified teaches the portable computer system is
configured to communicate directly with the second portable computer system [p. 3,
paragraphs 0026 and 0029 of Rodgers and col. 12, lines 5 – 42 of Keskar].

21.   As to claim 59, Rodgers as modified teaches the portable computer system is
configured to download selected ones of the demarked files to the second portable
computer system in response to receiving a download request from the second portable
computer system [col. 13, lines 40 – 55 of Keskar].

22.   As to claim 60, Rodgers as modified teaches at least some of the selected ones
of the demarked files are executable files to be executed at the second portable
computer system [content management application is also adapted to transmit a copy of
itself to the PDA of consumer B upon instruction from consumer A; p. 3, paragraph 0028
of Rodgers and col. 1, lines 30 – 43 of Keskar].

23.   As to claim 61, Rodgers as modified teaches the executable files include one or

more application files that have limited functionality or limited time of use [indicative of a

time-limited licence, or licences that prevent sharing with peers may be provided, p. 2,

paragraph 0022 of Rodgers].

24.   As to claim 71, Rodgers as modified teaches the communication protocol is a

wireless communication protocol [col. 12, lines 5 – 25 of Keskar].

25.   As to claim 72, Rodgers as modified teaches the wireless communication

protocol includes infrared light signaling [p. 3, paragraph 0026 of Rodgers and col. 12,

lines 5 – 25 of Keskar].

26.   As to claim 73, Rodgers as modified teaches means for communicating directly

with the second portable computer system [p. 3, paragraphs 0026 and 0029 of Rodgers

col. 12, lines 5 – 42 of Keskar].

27.   As to claim 74, Rodgers as modified teaches means for downloading selected

ones of the demarked files to the second portable computer system in response to

receiving a download request from the second portable computer system [col. 13, lines

40 – 55 of Keskar].

28.   As to claim 75, Rodgers as modified teaches at least some of the selected ones

of the demarked files to downloaded by the means for downloading selected ones of the

demarked files are executable files to be executed at the second portable computer

system [content management application is also adapted to transmit a copy of itself to

the PDA of consumer B upon instruction from consumer A; p. 3, paragraph 0028 of

Rodgers and col. 1, lines 30 – 43 of Keskar].

29.   As to claim 76, Rodgers as modified teaches executable files include one or

more application files that have limited functionality or limited time of use [indicative of a

time-limited licence, or licences that prevent sharing with peers may be provided, p. 2,

paragraph 0022 of Rodgers].

30.   As to claim 78, Rodgers as modified teaches the first and second computer

systems enter into communication automatically when they are positioned within a

communication range [p. 3, paragraph 0028 of Rodgers and col. 12, lines 5 – 25 of

Keskar].

Conclusion

31.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

CONTACT INFORMATION

32.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Li B. Zhen whose telephone number is (571) 272-3768.

The examiner can normally be reached on Mon - Fri, 8:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Meng-Ai An can be reached on (571)272-3756. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Li B. Zhen/   Li B. Zhen
Primary Examiner, Art Unit 2194   Primary Examiner
                                                          Art Unit 2194